

EX PARTE OR LATE FILED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

November 19, 1998

RECEIVED

NOV 20 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Telecommunications Relay Services)

and Speech-to-Speech Services for)

Individuals with Hearing and Speech)

Disabilities)

CC Docket No. 98-67

Exparte Comments

A meeting was held on October 26, 1998 at the FCC regarding the State Relay Administrators' request for clarification and enforcement of equal access to Telecommunications Relay Services (TRS) as provided for in Title IV of the Americans with Disabilities Act (ADA) and regulated by Federal Communications Commission 47 CFR (Federal Register/Vol. 56, No 148) as cited below:

- **64.601 (4) Common Carrier or Carrier:** Any common Carrier engaged in interstate communication by wire or radio as defined in section 4(h) of the Communications Act of 1934, as amended (the act), and any common carrier engaged in intrastate communication by wire or radio, notwithstanding sections 2(b) and 221(b) of the act.
- **64.604 (b) (3) Equal Access to interexchange carriers.** TRS users shall have access to their chosen interexchange carrier through the TRS, and to all other operator services, to the same extent that such access is provided to voice users.
- **Section 225(c) ~~Telecommunications Act of 1996~~ ¹⁹³⁴ Provision of Services.** - "Each common carrier providing telephone voice transmission services shall, not later than 3 years after the date of enactment of this section, provide in compliance with the regulations prescribed under this section, throughout the area in which it offers service, telecommunications relay services, individually, through designees, through a competitively selected vendor, or in concert with other carriers..."

No. of Copies rec'd
List ABCDE

044

As stated in our previous visit to the FCC and formal comments, we feel that equal access to all carriers is of the utmost importance due to the changes brought about by the Telecommunications Act of 1996 as it relates to opening the market for IXCs, CLECs, and resellers of telecommunications service.

As these markets expand, voice customers will have a far greater choice of carriers as time goes on. This new and growing arena of competition and choice will be blocked to the disabled consumer if it is not fully accessible via TRS.

In response to issues that arose during the October 26, 1998 meeting, an informal meeting was requested to assess the technical feasibility of TRS providers processing calls for IXCs, CLECs, and dial-arounds. Representatives from the following TRS providers have been invited to participate. Invitees include: AT&T-Burt Bossi, Hamilton Telecommunications-Gary Warren, MCI-Bill McClellan, Southwestern Bell-Jim Gorman, and Sprint-Paul Ludwick. Gilbert Becker and Pam Stewart will represent Maryland Relay and Ron Lanier and Susan Roach will represent Virginia Relay.

We again respectfully request that the FCC review and clarify it's previous ruling and enforce the equality of access to all carriers pursuant to the ADA and FCC regulations.

We further request that the FCC issue a statement or comments regarding the issue that may be used to assist states with their enforcement of compliance. Attached are copies of boilerplate letters that can be used to enforce IXC and CLEC compliance. A public statement from the FCC emphasizing it's regulations will assist the state utilities commissions to not only enforce future compliance, but will also assist in bringing current non-complaint telecommunication's carrier into compliance.

Respectfully submitted,



Gilbert Becker, Assistant Director Md Dept. of Budget & Management
Maryland Relay

Interexchange Carriers and Competitive Local Exchange Carriers & Access to Relay Service

A large number of InterExchange Carriers and CLECs do not provide access to their customers through Relays. After speaking with a number of other Relay administrators and various Utilities Commissions, I found that there is a great inequity here. The carriers in question are certified to operate in a state or area of a state for profit. They then refuse to cooperate with the provider(s) of TRS for that state thus blocking access to TTY customers through Relay while benefiting from those same customers when they call TTY to TTY.

We can work to remedy this situation. I have compiled some boilerplate letters that may assist you in obtaining equal access under the law for your citizens who depend on TRS.

1. **For new carriers applying for certification to operate in your state** - Contact your State Utilities Commission and request that access to Relay becomes part of the certification process for carriers. (example included)
2. **To notify a carrier regarding equal access to your TRS**
 - Request that your provider compose a letter outlining the technical and contractual requirements to process calls through your state TRS.
 - Write a letter to the carrier who is currently providing phone service in your state without access to TRS. This letter should accompany your Relay provider's letter indicating your desire and their responsibility for them to provide equal access under the law. Example included)
3. **If the carrier refuses to provide access to TRS** - Send a letter to the Utilities commission requesting that they enforce compliance of equal access. You do not need to deal with the reasons why a carrier says they can not comply. It is in the jurisdiction of your Utilities Commission to request the carrier to "Show Cause" as to why they cannot or will not comply. Please remember to attach historical data to your letter to include:
 - your letter to the carrier
 - The relay provider's letter of requirements
 - The letter of refusal to comply or name of the carrier's representative and the date they refused to comply.
4. Jim Alan from Minnesota sent the following information:
Included are the department of public service comments to a public utilities commission Universal Service Fund docket which was ordered by the legislature.



Additionally, our department in the near future will petition the public utilities commission to adopt the following requirements:

- Equal access for the users of the relay service

The FCC requires that the users of the relay service have equal access to their chosen interexchange carrier. Each LSP should establish a billing agreement with the operator of the telecommunications relay service (currently, Sprint) so that billing arrangements are not a barrier to a user of the relay service selecting any interexchange carrier to handle any long distance portion of a call to or from the relay center. Because it appears that some LSPs have not completed this agreement with Sprint, this issue should be considered in the list of required services and capabilities for an LSP.

- All existing/certified LEC and CLECS must allow COC access to the state's TRS provider (as per FCC regs); and all CLECs applying for certification must have in place an agreement with the state's TRS provider prior to certification approval by the PUC.
- Contact information for Jim Alan is in your NASRA and STARS member lists.

If you would like a soft copy of the attached letters, please contact me at 410.767.6970/V/TTY/Relay or e-mail stewar@dbm.state.md.us (No I didn't spell my name wrong, there is not supposed to be a "t" at the end of my name in this address)

Indicate if you would like the file in Microsoft Word (include version #), Rich Text Format (RTF), or standard text format



Request to add Relay to Certification Process

Public Service Commission
Any Town
Any State, USA

Date

Dear Ms. Whomever,

The <Department that administers TRS> which administers the <State> Relay Service would like to petition the Public Service Commission to require adherence to equal access via Relay of Inter-exchange Carrier and Competitive Local Exchange Carrier as a requirement of the certification process for those carriers.

It is the responsibility of any carrier operating in and providing service to an area of <State> to comply with Title IV of the Americans with Disabilities Act (ADA) as regulated by the Federal Communications Commission - FCC 47C.F.R.64.601 et.seq.

<Provider> is the current provider of <State>'s Telecommunications Relay Service (TRS) under a procurement with the State of <State>. In this capacity they are not acting as a competitor to other carriers and are the sole provider of TRS to the State of <State>. I have enclosed a copy of the requirements for entering into an agreement to process other carrier calls via the <State> Relay. We do not feel that it provides an undo burden on the carriers. It does in fact open the market to a population these companies have not yet served.

If you have any questions or would like more information from my office, please contact me at <phone>.

Sincerely,

Non-responsive Current Carrier

Public Service Commission
Any Town
Any State, USA

Date

Dear Ms. Whomever,

It has come to the attention of this office that <Phone Company>, while being certified to operate and provide service in the state of Maryland, has declined to make this service accessible via the Maryland Relay.

<Phone Company> has been notified by this office regarding their responsibility to comply with Title IV of the Americans with Disabilities Act (ADA) as regulated by the Federal Communications Commission - FCC 47C.F.R.64.601 et.seq. which states that TRS users shall have equal access to their chosen interexchange carrier. A letter from the current Relay provider, <Relay Provider>, providing the technical requirements and agreement accompanied the letter from our office. Copies of both pieces of correspondence are enclosed.

I respectfully request that the PSC contact <phone company> and require compliance to the ADA and FCC regulations.

Sincerely

Letter to CLEC or COC
To accompany Relay Provider's Letter

CLEC or Interexchange Carrier
Any Town
Any State, USA

Date

Dear Ms. Whomever,

The <State Department that administers Relay>, which administers the <Your State> Relay Service requests your company's compliance in providing equal access to your services by both direct calls and calls place via the <Your State> Relay. It is the responsibility of any carrier operating in and providing service to an area of <Your State> to comply with Title IV of the Americans with Disabilities Act (ADA) as regulated by the Federal Communications Commission - FCC 47C.F.R.64.601 et.seq.

<Relay Provider> is the current provider of Relay Services under a procurement with the State of <State>. In this capacity they are not acting as a competitor of other carriers and are the sole provider of Relay Services to the State of Maryland. I have enclosed a letter from our Relay provider detailing the requirements for entering into an agreement to process other carrier calls via the <State> Relay. Our citizens are able to access your services directly, but if they use a TTY or Text phone to communicate through Relay with a person who does not have like equipment, they are unable to use your service.

Your cooperation is requested in providing equal access as required by Federal Law and FCC regulation. Please contact the person listed on the enclosed letter from <Relay Provider>, our provider of Relay within two weeks to establish a timeline for your compliance.

If you have any questions or would like more information from my office, please contact me at 410-767-4204.

Sincerely,